Revenue (1933) Department.

M SERIES.

G.O. No. 2002
2002

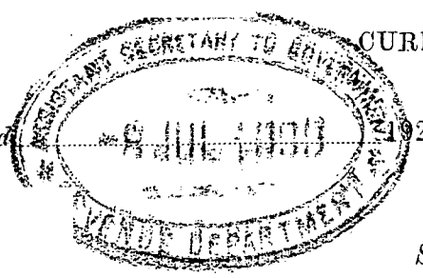
DATED 4-11-33

[Despatch Abstract.]

ASSIGNMENT -

Land (South Kanara) - Mangalore Taluk - Kankanady village - S.Nos.10/2 A and 2 B - Free of market value - Parish Union of the Diocese of Mangalore - Sanctioned.

REVENUE **DEPARTMENT.**



CURRENT No. 2426f

Received ... 192 *Registered* 8733 192

Subject.

Assignment - Land - (South Kanara) - Mangalore taluk - Kanka village - S.Nos. 10/2A and 10/2B - Parish Union of the Diocese of Mangalore.

ENCLOSURES.
No.....
.....
Spare copies.....

Reference No. B.2879/33-2

Station Madras. , *Dated the* 4th July 1933.

From

A.R. MacEwen Esq., M.C., I.C.S.,
Secretary, Land Revenue. &
The Board of Revenue, ~~Revenue~~ Settlement, ~~&~~
~~Separate Revenue~~

The Hon'ble Mr. C.B. Cotterell C.S.I.,C.I.E.,I.C.S
Commissioner of Land Revenue.

Resolution / Reference.

ad the following:-

Letter from E.M. Gawne Esq., I.C.S., Collector of South Kanara. No. Ref. C. 10368/32-A-6 dated 31st May 1933:-

Rev. Father Lunazzi, Director of Father Muller's Charitable Institutions at Kankanady, Mangalore, has applied for the assignment of S.Nos. 10/2A and 2B of Kankanady village, free of site value. These plots stand registered as 'foot path poramboke' and actually form a broad roadway leading between the permanent buildings of the Kankanady hospital up to the Leper Hospital. They do not lead to any place beyond the hospital compound. I have inspected

the place. All the plots surrounding S.Nos. 10/2A and 2B with the exception of S.No. 9/2A are either the warg lands of the Kankanady hospital or held by it on Mulgeni. Hence 10/2A and 10/2B are useful only to the hospital. When the surrounding buildings are hospital buildings it is no longer useful to keep the road way as a public path.

2. The existing pathway for the public lies to the south of S.No. 10 in sub divisions 10/4, 10/3 and 13/1. They pass through the Mulgeni holdings of the hospital. Though Father Lunazzi has no objection to relinquish portions of these plots covered by the pathway and agrees to their transfer to poramboke, the mulgars object to this. In the case of Mulgeni holdings, a relinquishment from the Mulgeni holder without the consent of the mulgar is not valid. I have, therefore, dropped the proposals to transfer the existing pathway to poramboke.

3. S.No. 10/2A lies within the Mangalore town limits, and 10/2B lies outside it. But the Mangalore municipality has no objection to the assignment of these plots.

4. Theoretically the land is valuable and the market value of land in the vicinity is estimated at Rs.3,000/- per acre. But the sale of these plots in public auction is impracticable In the first place the land has no auction value as no one would buy a road. The Municipality does not require it as it would then have to maintain it. Even after assignment, the plots will always be used as a pathway, as the hospital buildings on either side are permanent buildings. I therefore, recommend that the theoretical site value amounting to Rs.1,440/ may be waived in consideration of the charitable services rendered to this district by the institution ever since Father Muller started work. The fact that the roadway was public footpath' only came to light accidentally and it was I who advised the Director of the Institutions to regularise the matte The institutions gain no advantage from the assignment; they have always maintained the roadway.

5. The Institution is a member of the Parish Union of the

Diocese of Mangalore. Father Lunazzi has no objection to the assignment of the plots to the Parish Union. The Secretary of the Union consents to this.

6. The Union does not own any lands in the village. But in the district it owns 125.37 acres of land, whose approximat market value is estimated at Rs.7,196.

7. I, therefore, recommend that sanction of Government may be obtained for the assignment of the plots to the Parish Union free of site value. They will be formally transferred to Ayan before the assignment order is passed.

8. Eye-sketch in duplicate is enclosed.

II

Board's Reference thereon No. B.2879/33-1, dated 7th June 1933 to the Collector of South Kanara.-

The Collector is requested to report whether the lands in question should not be alienated under B.S.O. 24 as they are required as a pathway.

III

Letter from E.M. Gawne Esq., I.C.S., Collector of South Kanara, No. Ref. C. 10368/32-A6 dated 16th June 1933:-

None Ref:- Board's Ref. No.B.2879/33-1, dated 7-6-33.

I do not recommend the alienation of the lands under B.S.O. 24 on the following grounds:-

(1) The plots registered as pathway do not lead to any place beyond the hospital compound. They are used and will always be used as a pathway for the people who enter into the hospital compound. Hence there is no need to impose the usual conditions of alienation and watch their fulfilment.

(2) As already reported in my letter Ref. C.No. 10368/32A6

dated 31st May 1933 the plots form a roadway between the warg and mulgeni holdings and the permanent buildings of the Kankanady hospital. Alienation of a strip of land lying between such lands does not seem to serve any useful purpose.

(3) The assignment will be a source of revenue to Government. Alienation of the lands under B.S.O. 24 would necessarily require the alienation of their land revenue as they do not bring any income to the institution.

(4) The institution would prefer to pay the land revenue and be free from conditions, since a conditional alienation is always liable to modification by the Government of the future.

REFERENCE.

Submitted to Government.

2. In the circumstances reported by the Collector, the Board recommends that the collection of the market value may be waived as a special case and the lands assigned free to the Parish union.

for Secretary.

To the Secretary to Government, Revenue Department with a sketch.

v.c/5.7.

5.7.

T.K.G.

OM. No. 24 26 F. 33.2 Dt 28.8.33

Assignment - Land - South Kanara - Mangalore Taluk - Kankanady village - S Nos 10/2A to 10/2B - Parish Union of the Diocese of Mangalore - BOI Refce No B. 2879-33.2 Dt 4-7-33

The Board officer is requested to obtain full report regarding the constitution of particulars about the Parish Union of the Diocese of Mangalore to submit his ~~+~~ Articles of the Union if any & to state whether it is a Roman Catholic institution.

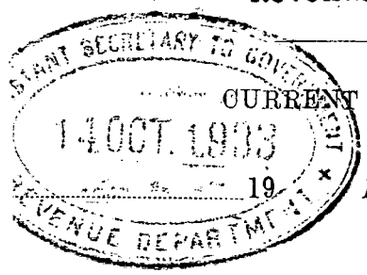
In his letter Dt 31.5.33 submitted with the Board's refce read above, the Collr has reported that all the plots surrounding S Nos 10/2A to 2B with the exception of S No 9/2A are either the marg lands of the Kankanady hospital or held by it on Inulgent. ~~It would appear from the eye sketch submitted by the Collr that the owner~~

The Bd is requested to report

Within the area
of S.No. 9/2A has a right of
access to his land through
the road. way S.No. 10/2A of 2B. &
~~Or it is so, the Board is requested~~
~~to enquire~~ how the road. way
can be assigned to the
Parish Survey

C.F. 31

Revenue **DEPARTMENT.**



CURRENT No. M 4016 F

19 *Registered* 14.10.33 19

Ncg from 12.1575 Ub: 2 D/ allen
w/d/d 4 Ubs - 1 & Ub/days. 19. attnd
to Order thereon. —

Subject. It- Land -(South Kanara)- Mangalore taluk- Kankanady village- S.Nos.10/2 A & 10/2 B. Parish Union of the Diocese of Mangalore-

ENCLOSURES.
No.....
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Spare copies.....

Refce.B.No. 2879/33-6

Station Madras. , *Dated the* 12th October, 1933 19

From

M.K. Vellodi, Esq., I.C.S.,
Secretary.

~~The~~ Board of Revenue, ~~Revenue~~ Land Revenue and Settlement, ~~etc.~~ ~~Separate Revenue.~~

A.H.A. Todd, Esq.,I.C.S., Commr. of Land Rev.

Resolution
Reference.

Government Memorandum No.2426-F-33-3 Revenue Dept. dated 3rd October,1933.

II.

Letter from E.M. Gawne, Esq., I.C.S., Collector of South Kanara, Ref.C.No.A6-10368-32 dated 8th October, 1933 --

Reference:-- 1st & 2nd Government Memorandum No 2426-F/33-2 Revenue dated 29. 8. 33.

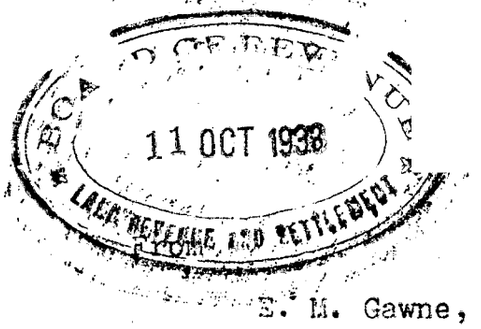
Submitted to Government.

V. Ramaswami
For Secretary. 13/10/33

To the Secretary to the Government, Revenue Dept. with Collector's letter Ref.C.No.A-6-10368-32 dated 8-10-33 and a printed booklet.

AMK.13/10

Ref. C. No. A--6--1C368--32.



South Kanara Collector's Office,
Mangalore, dated 8th October 1933.

E. M. Gawne, Esq, I.C.S.,
Collector of South Kanara.

To

The Secretary to the Board,
Land Revenue & Settlement,
Madras.

Sir,

Assignment--Land (South Kanara)--Mangalore Taluk--Kankanady village--S.Nos. 1C/2A and 1C/2B --Parish Union of the Diocese of Mangalore.

Board's Ref. B. No. 2879--33-4 Land Revenue & Settlement. dated 1st September 1933.

vide A printed booklet containing the Memorandum and Rules of the Parish Union of the Diocese of Mangalore is enclosed. It appears therefrom that the Union is a Roman Catholic Institution duly registered under Act XXI of 1860.

2. The owner of S. No. 9/2A has no right of access to his land through the lands now proposed for assignment to the Parish Union. S. No. 9/2A is on a lower level and has a direct frontage on the Mangalore-Mercara road.

Your obedient servant,

Collector.

Diocese of Mangalore

BISHOP'S HOUSE,
Mangalore, 28th Sept. 1921.

DEAR REV. FATHER,

I am sending you the Memorandum and Rules of the "Parish Union of the Diocese of Mangalore" which was duly registered on the 26th inst., under Act XXI of 1860.

The main reason for the institution and registration of the Union has been the difficulty experienced during this year in securing lands from Government for Schools, Churches and other charitable or religious purposes. Orders have been issued by Government that no lands should be given for the above-mentioned objects unless the Institutions applying for grant of lands belong to a corporate body registered under some suitable Act of the Government of India.

Your attention is invited to rule No. 3 by which you are required to apply for admission into the Union in case you desire to have the benefits of the Association. The application should be made through the Secretary.

Rule No. 11 requires that applications for Government lands should be made through the Secretary of the Union. To him full particulars should be given concerning the land to be obtained, viz. village in

which it is situated, survey number, approximate extent, purpose for which it is to be used; the name and residence of the Officer, to whom the application is to be made, should also be mentioned.

Applications for lands on dharkast, to which an Institution is otherwise entitled by reason of lands already owned, have not to be made through the Association, but the ordinary course should be followed.

In case you find some of the rules defective or some others necessary, your suggestions will be gratefully accepted.

With best regards

Yours sincerely in J. C.,

M. Lunazzi, S. J.,
Vicar General.

Memorandum of Association

OF

THE PARISH UNION OF THE DIOCESE OF MANGALORE

1. The name of the Society is "The Parish Union of the Diocese of Mangalore."

2. The objects of the Society are:

(*a*) The teaching of Christian Doctrine according to the tenets of the Roman Catholic Church

(*b*) The imparting of secular education according to the regulations of the Grant-in-aid Code of the Madras Educational Department,

(*c*) The promotion of Technical and Industrial Education and the diffusion of useful commercial and agricultural knowledge,

(*d*) Founding and maintenance of churches, chapels, schools, dispensaries, orphanages, workshops, farms and other similar institutions after acquiring land from Government or otherwise in any town or towns, village or villages in the South Kanara District for the purpose of carrying on the above objects, and

(*e*) The doing of all such other lawful things as are incidental or conducive to the attainment of the above objects including borrowing of money, if necessary, by mortgaging the property which will be vested in the said Union.

3. The names, addresses and occupation of the governing body are:

(1) The Right Reverend Dr. Paul Perini, S. J., Bishop of Mangalore.

(2) Very Rev. Fr. Marian Lunazzi, S. J., Vicar General and Procurator of the Diocese of Mangalore.

(3) Very Rev. Fr. Joachim D. Alberti, S. J., Superior of the Mission.

(4) Very Rev. Fr. Balthazar Aranha, Vicar of Vara, Bantwal.

(5) Rev. Fr. Michael P. Collaço, Director of St. Antony's Institutions, Milagres, Mangalore.

(6) Rev. Fr. Edward Lazzarini, S. J., St. Joseph's Seminary, Mangalore.

(7) Rev. Fr. Raymond F. C. Mascarenhas, Vicar of Bendur, Mangalore.

3 to 7 are the Councillors of the Diocese of Mangalore.

THE PARISH UNION OF THE DIOCESE OF MANGALORE

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(*d*) Founding and maintenance of churches chapels, schools, dispensaries, orphanages, workshops, farms and other similar institutions after acquiring land from Government or otherwise in any town or towns, village or villages in the South Kanara District for the purpose of carrying on the above objects, and

(*e*) The doing of all such other lawful things as are incidental or conducive to the attainment of the above objects including borrowing of money, if neces-

sary, by mortgaging the property, which will be vested in the said Union.

3. The membership will be open to all heads of Roman Catholic Institutions belonging to the Diocese of Mangalore and situated within the District of South Kanara as representing the said Institutions. Any head of such Institutions desiring to become a member has to sign the roll of members.

4. The management of the affairs of the Union shall vest in a governing body consisting of the Ordinary, the Procurator and the Councillors of the Diocese of Mangalore for the time being.

5. The Ordinary of the Diocese of Mangalore shall be the Chairman of the governing body and will preside at its meetings. In his absence, any other member of the governing body duly elected will preside. The Chairman will have a casting vote in cases where the governing body may be equally divided in its opinion at a meeting.

6. The Procurator of the Diocese of Mangalore shall be the *ex-officio* Secretary of the governing body. He will be in charge of all records and correspondence of the Union and will also act as its Treasurer and keep accounts.

7. The governing body will meet at least once in the year at the Bishop's House to transact any business concerning the Union. Four of their number shall form the quorum.

8. The governing body while exercising a general control over the affairs of the Union will leave the

are control of any matter concerning any particular Institution to the "Junta" or the Board of Administration or the management of the said Institution. In like manner any expense made to, or any income derived from, any transaction affecting any particular Institution will be debited or credited to the account of the said Institution. The Board of Administration, the "Junta" or the management of such Institution will keep correct account regarding any concern undertaken by the Institution under the authority of the Union.

9. Every member of the Union will contribute annually from the funds of the Institution he represents a sum of Rs. 2 by the end of September towards the cost of the general working of the Union. It will be in the power of the governing body to distribute according to its discretion any donations it may receive among all or some of the Institutions which are members of the Union.

10. No member of the Union or of the Governing body will be entitled to receive any dividend or remuneration from any funds of the Union. The Secretary however will be entitled to be paid any actual expenses he may have incurred in the general conduct of the business of the Union.

11. All applications for acquisition of Government land for any of the purposes mentioned in the Memorandum of Association and all documents relating to purchase, sale or mortgage of land belonging to the Union will be made in the name of the Secretary.

12. There will be an annual general meeting of the

members once a year in or about the month of December for the purpose of

1) Receiving the report of the governing body on the working of the Union and passing the accounts of the previous year ending with September.

2) Transacting any other business which may be brought before the meeting by the governing body or any member of the Union of which notice in writing shall have been given to the Secretary before the 30th day of September preceding.

13. The governing body may convene an extra-ordinary meeting of the members to transact any urgent and important business concerning the Union.

14. The annual general meeting and the extra-ordinary general meeting will be presided over by the Ordinary of the Diocese of Mangalore who will have a casting vote in cases when the meeting is equally divided in its opinion. One fourth of the number of members on the rolls will form the quorum but no quorum will be necessary for a meeting adjourned for want of a quorum.

15. The governing body will have power to frame any rules for transacting and regulating the business of the Union not inconsistent with these rules.

16. These rules may be modified or cancelled only at a meeting of the members of the Union, the quorum for which will be at least one half of the number of members on the rolls.

Revenue Department.

From the Board of Revenue, Land Revenue and Settlem

Refce.No.B.2879/33-2 dated 4-7-1933.

Subject:- Assignment - Land (South Kanara) Mangalo taluk - Kankanady village - S.Nos.10/2A and 10/2B - Parish union of the Diocese of Mangalo

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The draft (put up on this case) may be sent to Finance for acceptance.

T.N.S.R.
10-7-1933.

J.A.T.
11-7-1933.

Finance.

Finance (Accounts)

S.Nos. 10/2A and 2B of Kankanady village, Mangalore taluk, measuring 48 cents, are registered as 'foot path poromboke' and are valued at Rs 1,440. All the surrounding plots, with the exception of S.No.9/2A, belong to the Kankanady hospital, a Roman catholic institution. The Collector states that the plots are useful only to the hospital, that it is no longer useful to keep the roadway as a public path and that the sale of the plots is impracticable. He recommends that the plots may be assigned, free of si value, to the Parish union of the Diocese of Mangalor of which the Kankanady hospital is a member. The Board supports the Collector's recommendation.

2. In G.O.No.1889 Rev. d/ 14-8-1928 the Govt. hav ordered that no application for the assignment of Sta land to a company, association or society should be considered unless such company, associ.ation or soci.t

has been registered under one of the ~~Acts~~ enumerated in the G.O. But these orders do not apply to Roman Catholic churches, dioceses and other Roman Catholic missions, as it has been held that the lands granted to such missions vest in the Pope.

There is no information as to how the Parish Union in question stands in this respect. If it does not fall under one of the categories referred to (at A) above, assignment of the lands cannot be made unless it has been registered. The Collector may, in ~~the~~ the first instance, be requested to report full particulars about the Parish Union and Articles of the Union, if any.

3. As pointed out by the Collector one of the plots adjoining the roadway proposed for assignment is S.No.9-2A which vests in a private pattadar. It would appear from the plan on page 5 C.F. that the owner of that land has a right of access to his land through the roadway S.Nos.10-2A and 2B. If it is so, it is not clear how the roadway can be assigned to the Parish Union. Submitted that the Collector may be requested to furnish information on this point also.

	Date.	Initials.
When received for Fair-copying		
When copied ..		
When examined ..		
When signed .		
When despatched .		

READ AGAIN G.O. No. ....., dated .....

ASSISTANT SECRETARY TO GOVERNMENT
14 JUL 1933
FINANCE DEPT.

READ ALSO :—

C. No. 2421/122 from the Bd of Rev (A&P) Ref. No. B. 2879 33:2 dated 4-7-1933.

ORDER.

MS.

No. 2002 dated 4-11-1933.

In the circumstances reported the Govt permit the assignment free of payment of market value of S. Nos 10/2A & 3B together measuring 48 cents in Kankanady village Mangalore taluk, South Kanara dt to the Parish Union of the Diocese of Mangalore.